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Conservation Commission Minutes 05/06/2010

Arlington Conservation Commission
 Minutes
 May 6, 2010

Mr. Stevens called the meeting to order at 7:45 p.m. in the second floor conference room of the Town Hall Annex. Present were Nathaniel Stevens, David White, William O'Rourke, Charles Tirone, Catherine Garnett and Ellen Reed of the Commission. Ezra Benjamin of the Commission, Brian Thomas, Associate Commission member, and Cori Beckwith, Commission Administrator, were not in attendance. Also in attendance were Craig Gallagher, Tim Williams, Christopher Poles, Brian Jones, Richard Dickason, Ken Ingber and Adelaide Grady.

7:45pm – **Enforcement Order** – 70 Bow Street

This enforcement order for Craig's Landscaping was continued from the April 15th meeting. Mr. Stevens, Ms. Reed, and Mr. White (others??) visited the site on Tuesday 4/27 to discuss Mr. Gallagher's planting plan; Ms. Garnett visited the site at a later date. The Commission and Mr. Gallagher agreed upon the placement and size of replacement trees: two the pear trees; 3-inch caliper, 10 ft. high English Oak; and 6 ft high arborvitae. Mr. Gallagher agreed to begin planting the trees immediately and would care for them through the dry summer months. The Commission asked Mr. Gallagher to no longer park his vehicles in the access way to the bike path.

By 11/1/10 all the trees are to be planted. A report on the status of the plantings is to be provided to the Commission by 6/1/11. The Commission told Mr. Gallagher that he would not require further permission to replace his walkway, construct a raised flower bed on the northside of the building, and repair the small retaining wall on the east side of the building.

Reed/White motioned to approve the planting plan as amended by the Commission; motion passed unanimously.

8:10pm – **Extension of Order of Conditions-** (DEP File No. 91-152) Hills Pond aquatic Weed Control.

Ellen Reed of the Commission presented on behalf of Friends Menotomy Rocks Park [and the Town]. Ms. Reed met with Mike Lennon of ACT. Mr. Lennon felt the pond needed treatment with Reward since the algae is matted to the floor. Rodeo will not be used for the Purple Loosestrife because people have been effectively harvesting their seeds to reduce their spread.

Copper and Alum may be required this year to control aquatic weeds. The Commission expressed interest in minimizing copper applications. The pond has progressed over the years such that Sonar will no longer be required.

This will be Hills Pond's third extension. The Commission agreed to extend the OOC one final time for three years and in three years a reapplication shall be required.

White/Tirone motioned to extend the OOC; motion passed unanimously.

8:25 p.m. – Commission Business (cont'd)

Reed/White moved to approve the 4/15 **meeting minutes** as edited; motion passed unanimously.

Mr. White reminded the Commission of the May 13, 2010 public hearing on the plans for **Cooke's Hollow**.

The Commission will hold a clean-up of **Meadowbrook park** on Saturday, May 15, 2010 from 9 – noon.

8:30pm – **Notice of Intent** – 30-50 Mill St (former Brighams property) redevelopment

This hearing was continued from 4/1/10. Mr. Williams presented a series of color sketches that illustrated the project is increasing additional pervious areas on the site by approximately 56,000 sf. The sketches also indicated drainage characteristics showing direction of ground sheet flow and standing water between the elevations of 37 and 43 feet. Mr. Williams emphasized that as water increased in elevation on the site, it would all be directed to the wet water quality swale where it would receive pretreatment prior to being discharged into Mill Brook.

The wet water quality swale has a control structure that will bleed water from the site to the Mill Brook through a 9.5 inch diameter hole. Mr. Jones of Allen and Major agreed to install a trash rack on this structure. When water elevations are higher than the control structure, water will overtop the control structure and enter a BMP where it will be treated at a rate of 2.4 cfs and discharge to Mill Brook. Mr. Jones explained when the water reaches higher elevations, the water elevations on the site and in Mill Brook are equalized which will prevent the water from racing out of the wet water quality swale. Mr. Jones stated that the water will take approximately 26 hours to drain the wet water quality swale. There will be a manhole with a check valve which will not allow water to flow backwards onto the site. As this check-valve is accessible, the applicant agreed to a maintenance condition to have this checked yearly.

Mr. Christopher Poles of Cube 3 Studio introduced the parking area's siding treatments that would allow flood waters to freely pass through the parking area while allowing the parking area to be aesthetic from the exterior. He provided a map of where the stilts of the building will be touching the ground as well as the siding treatments.

The Commission was not convinced discussed whether that the project met the Bylaw regulations may proceed with parking underneath the building which is in the location for the compensatory storage. The Arlington Bylaw Regulations states "Parking garages or structures in which petroleum, hazardous materials, or pollutants will likely be found may not be used as compensatory storage." The Commission is concerned about the pollutants that drop off vehicles that may be potentially washed back into Mill Brook during a flood event. Mr. Williams argued that this area will be flushed with the sheet flow from wind blown rain events into the wet water quality swale. Mr. Williams alternatively suggested that this area may be washed of pollutants regularly and can be incorporated into the Order of Conditions under the Operations and Maintenance Plan.

The Commission continued the argument discussed over the definition of the word "structure." Mr. Ken Ingber presented, arguing that the parking structure is not a structure at all. When rainfall events occur, the wind and sheeting effect of the runoff carries away the pollutants. The only issue is that the raindrops must come from wind driven rain and not straight downward.

Mr. Tirone asked the a question about compliance with the performance standards for degraded areas under, 310 CMR 10.58.5.(e). Mr. Jones argued that this regulation meant this project was allowed to work in all previously degraded areas and the other provisions of that regulation did not does not apply to their project. and Mr. Tirone disagreed and wanted additional time to look at this issue; targued that it did. The Commission felt that it was a poorly worded regulation.

Mr. O'Rourke asked about the hazardous materials encountered during the subsurface investigation. Mr. Richard Dickason answered that they have hired an LSP that they will be working with throughout the duration of the project. He felt that they have not encountered any materials thus far that would put a hold on the project.

O'Rourke/Tirone moved to continue the hearing to May 20 at 8:00 p.m. as the Commission wanted to ask the opinion of Town Council regarding the definition of the work "structure" and wanted to examine 310 CMR 10.58(5)(e); motion passed unanimously.

10:10pm - Commission Business (cont.)

The Commission discussed the payment schedule for the **Lot C Coolidge Road**. Commission agreed to allow the proponent a 14 day extension (to May 27) on their payment schedule.

Meeting adjourned at 10:20pm.

Respectfully submitted,
William O'Rourke
Commission Member

